



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/974,646

10/09/2001

William L. Thomas

UV-212

9935

1473

7590

06/14/2006

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK, NY 10020-1105

EXAMINER

SRIVASTAVA, VIVEK

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/974,646	THOMAS ET AL.	
	Examiner	Art Unit	
	Vivek Srivastava	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 34-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 9-13, 15-19, 21-23, 25-30, 32, 33 and 56 is/are rejected.
- 7) ☒ Claim(s) 3, 7, 8, 14, 20, 24 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's election without traverse of claims 1 - 33 in the reply filed on 4/17/06 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4 – 6, 9 – 11, 16 – 19, 21 – 23, 25 – 28, 33 and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Goode et al (US 6,166,730).

Regarding claims 1, 5, 6, 17, 18, 22 and 23 Goode discloses a video on demand system in which a user can pause a video program from one set-top box and resume the video from another set-top box per a user request from the point at which the program was paused. Goode discloses providing multimedia programming including audio, video, graphics and like on an on-demand basis (see col. 2 line 64 – col. 3 line 5). A video session manager (VSM) 106 (fig. 1) located upstream from the user manages a on-demand session by receiving commands from the user, including pause,

Art Unit: 2623

for interrupting the transmitted stream (see col. 5 lines 30 – 45). Once a user indicates a desire to pause a program, the pause command is transmitted to the VSM to interrupt transmission of the program stream. The VSM bookmarks the location of the pause or freeze command (see col. 19 lines 5 – 42). A user can resume playing of the on-demand session from the paused location on another set-top by sending a command to the VSM to resume playing of the on-demand session (see col. 19 lines 5 – 42), the bookmarked position is retrieved, and playing of the on-demand program is resumed.

Regarding claims 2, 16, 19 and 33 Goode discloses the paused position is bookmarked in a memory location specific to the user (see col. 19 lines 18 – 43). Necessarily, the remote on demand server is configured to save the point at which the media-on demand program was frozen (user specific data) to the user-specific storage space on the remote media-on-demand server. It is further noted that a plurality of user's can use the system thus remote media-on demand server includes user-allocated storage space portioned for different users to store user-specific data.

Regarding claims 4 and 21, Goode discloses displaying a title screen menu for selecting a previously paused program to resume the program by requesting and transmitting a resume command to the VSM (see col. 19 lines 18 – 38).

Regarding claims 9, 26, 27 and 56, Goode discloses a user can input a PIN or personal identification information and log in to the system (see col. 5 lines 10 – 15).

Regarding claims 10, 11 and 28, Goode discloses a user inputs a PIN to start a on-demand session (see col. 5 lines 10 – 15). Once a user is logged in to a session,

Art Unit: 2623

the user can freeze or pause the delivery of the on-demand stream and resume delivery from another set-top (see col. 19 lines 18 – 43).

Regarding claim 25, Goode discloses a user can pause or stop a program from a first set-top, make a payment and view the same program from a second set-top from the beginning (see col. 17 lines 32 – 55) and thus discloses the claimed limitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 13, 15, 29, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode.

Regarding claims 12, 13, 29 and 30 Goode discloses an login option (PIN) but fails to disclose the claimed providing the user with an opportunity to log out of the system from the first user equipment and providing the user with an opportunity to log out comprises displaying an display screen that includes a logout option.

Official Notice is taken it would have been notoriously well known to include logging out of session to provide more secure system by ensuring others cannot access a users session. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Goode to include the claimed

limitations for the benefit or ensuring others do not access a users on-demand session thereby providing a more secure system.

Regarding claims 15 and 32, Goode discloses a media on-demand server, but fails to disclose uploading user's personal media from the first user equipment to the remote media-on demand server.

Official Notice is taken it would have been well known to up-load personal media to a server to enable other's to access the personal media per request. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Goode to include the claimed limitation for the benefit of sharing a user's personal media with others interested in accessing or viewing the personal media.

Allowable Subject Matter

Claims 3, 7, 8, 14, 20, 24 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pierre et al (US 2003/0070182) – Automatic resume and playback

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
6/12/06



VIVEK SRIVASTAVA
PRIMARY EXAMINER